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IN THE

Supreme Court of the United States

October Term, 1955

No. 532

MARGOT VON OPEL, as receiver and sequestrator of the property of Fritz von Opel,

Petitioner,

—v.—

UEBERSEE FINANZ-KORPORATION, A.G., LIESTAL, SWITZERLAND, FRITZ VON OPEL, HERBERT BROWNELL, JR., Attorney General and as Successor to the Alien Property Custodian, FRIMA TRUST ESTABLISHMENT OF VADUZ, LIECHTENSTEIN, HANS FRANKENBERG, EUGEN MEIER and ADOLF GAENG,

Respondents.

BRIEF FOR RESPONDENT FRITZ VON OPEL IN OPPOSITION TO PETITION FOR CERTIORARI

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UEBERSEE FINANZ-KORPORATION, A.G., LIESTAL, SWITZERLAND, FRITZ VON OPEL, HERBERT BROWNELL, JR., Attorney General and as Successor to the Alien Property Custodian, FRIMA TRUST ESTABLISHMENT OF VADUZ, LIECHTENSTEIN, HANS FRANKENBERG, EUGEN MEIER and ADOLF GAENG,

Respondents.

BRIEF FOR RESPONDENT FRITZ VON OPEL IN OPPOSITION TO PETITION FOR CERTIORARI

The petitioner, Margot von Opel, as receiver and sequestrator of the property of Fritz von Opel, has filed a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia Circuit rendered in this action on June 23, 1955, 225 F. 2d 530, affirming the decision of the District Court, 116 F. Supp. 145.

Question Presented

Whether the court below erred in denying petitioner, in her representative capacity as receiver and sequestrator of property of a claimant, leave to intervene in an action under §9(a) of the Trading with the Enemy Act, as amended, to recover vested property.

Statement

Pursuant to the opinion and mandate of this Court (343 U. S. 205) plaintiff intervener Fritz von Opel intervened in this action, in which petitioner here now seeks to intervene, to assert his claim to the vested property and the issues raised by his complaint (J. A. 56-58) and the defendant's answer (J. A. 62-63) have been tried and recently determined adversely to his claims. 133 F. Supp. 615.

On October 8, 1953, petitioner here moved to intervene as party plaintiff on the grounds that she has a substantial interest in the subject matter inadequately represented by the present parties and that she will be adversely affected by disposition of the property which is subject to disposition of the court in this action (J. A. 1-2). Her proposed complaint alleges that by virtue of an order of the Supreme Court of the State of New York of April 5, 1951 she is "the receiver and sequestrator of the cause of action alleged herein by plaintiff Fritz von Opel and holds plaintiff Fritz von Opel's legal and beneficial ownership interest, right and title to the property at issue herein" (J. A. 18-19). Judge Laws denied the motion to intervene (J. A. 64-68), 116 F. Supp. 145, and the Court of Appeals unanimously affirmed, 225 F. 2d 530, ruling that neither §9(a) nor any other section of the Trading with the Enemy Act authorizes the petitioner's claimed intervention.

Argument

1. The Court of Appeals carefully considered all the arguments here presented and correctly ruled that under the Trading with the Enemy Act (a) if petitioner seeks to intervene on the basis of an interest in Fritz von Opel's claim to the property, she has no standing in court because

§9(a) of the Trading with the Enemy Act does not authorize such an action; (b) if her interest is that of a lienor she is barred under §9(f) of the Act, and (c) if her claim be based on some other ground it is barred because litigation under the Act is strictly limited to proceedings authorized by that Act.

We submit that the Court has already disposed in previous cases of the contention that lienors or other claimants to an interest asserted in vested alien property have standing to sue under the Trading with the Enemy Act. *De la Mettrie* v. *James*, 272 U. S. 731, affirming 55 App. D. C. 354, 6 F. 2d 479; *Berger* v. *Ruoff*, 90 App. D. C. 276, 195 F. 2d 775, cert. den. *sub nomine*, *Berger* v. *McGrath*, 343 U. S. 950. No reason is cited by petitioner why the present case should be an exception to the rule of limitation of actions expressed in §9(f) of the Act, and studiously applied by the courts. Indeed, sound public policy requires that the door be closed to actions such as petitioner seeks to enforce lest the Alien Property Custodian be hampered in the proper performance of his duty which is control and supervision of seized enemy property.

The statutory provisions for property about to be returned (Pet., p. 7) do not support petitioner's efforts to intervene prior to a final decision to return vested property. On the contrary, they disclose the statutory scheme of protecting creditors after final decision to return property rather than by allowing creditors to intervene in the litigation between a claimant and the Custodian.

2. But even if the Trading with the Enemy Act could possibly be construed as not limiting suit to litigation specifically authorized by statute, petitioner has no standing to intervene. Petitioner in this action is asserting her claim here solely as a sequestrator and receiver of the property

in New York of Fritz von Opel designated by an order of the Supreme Court of New York pursuant to New York Civil Practice Act §1171-a, obtained in an undefended action for a legal separation against Fritz von Opel who was neither a resident of nor served with process within the State of New York.

Under New York decisions recognizing constitutional limitations, following *Pennoyer* v. *Neff*, 95 U. S. 914, §1171-a has been construed to mean that a receiver or sequestrator can be appointed only for property within the State of New York, as the statute expressly states, and property does not include disputed claims. *Geary* v. *Geary*, 272 N. Y. 390; *Matthews* v. *Matthews* (second appeal), 247 N. Y. 32; *Dyer* v. *Dyer*, 231 App. Div. 453, 247 N. Y. S. 540; *Senese* v. *Senese*, 121 N. Y. S. 2d 498; *McKendry* v. *McKendry*, 103 N. Y. S. 2d 183; *Rubin* v. *Whitney*, 295 N. Y. S. 255. The order appointing petitioner receiver and sequestrator of Fritz von Opel's property specifically is limited to property "within the State of New York" (J. A. 13). Any reference in the sequestration order to this law suit (J. A. 13) is wholly nugatory because it is patently not property "within the State of New York," where Fritz von Opel concededly did not reside, having a situs as a chose in action only in the District of Columbia.

3. Furthermore, even if it is assumed that the law of New York authorizes a receiver or sequestrator under C. P. A. §1171-a to intervene and assert Fritz von Opel's rights in his present suit against the Attorney General as successor to the Alien Property Custodian, the general rule and the rule applicable in the District of Columbia is that foreign receivers may not sue where there was neither jurisdiction over the subject matter or *in personam* over the debtor in the action in which the receiver was appointed.

Booth v. *Clark*, 17 How. 332; *McCandless* v. *Furlaud*, 292 U. S. 67; *Collins* v. *McDonald*, 98 F. 2d 258 (C. A. D. C.); *Guaranty Trust Co. of New York* v. *Fentress*, 61 F. 2d 329 (C. A. 7).

Broderick v. *Rosner*, 294 U. S. 629, cited by petitioner, and *Converse* v. *Hamilton*, 224 U. S. 243, where a statutory receiver has been permitted to sue in foreign jurisdictions as successor to the debtor to collect his property, are based upon jurisdiction *in personam* obtained over the debtor in the foreign state and hence are not in point.

It is absolutely clear that jurisdiction *in personam* was not obtained in New York over Fritz von Opel either at the time petitioner's separation action was commenced or when she was appointed receiver and sequestrator of his property under C. P. A. §1171-a as he was not a resident of the State of New York, was not there at the time such proceedings were brought, nor was he personally served with process. The State of New York could not obtain jurisdiction over the subject matter of this action since the cause of action Fritz von Opel has against the Attorney General which is the basis for petitioner's attempted intervention has a situs only in the District of Columbia where Fritz von Opel's suit was brought. Petitioner, therefore, has no standing to sue in the District of Columbia, the State of New York is powerless to grant her such authority, and the courts of the District of Columbia properly denied her as a statutory receiver or sequestrator leave to intervene.

CONCLUSION

For the foregoing reasons the petition for a writ of certiorari should be denied.

Respectfully submitted,

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APPENDIX

Section 1171-a of the New York Civil Practice Act provides:

"Where in an action for divorce, separation, annulment or declaration of nullity of a void marriage it appears to the court that the defendant is not within the state, or cannot be found therein or is concealing himself therein, so that process cannot be personally served upon him the court may at any time and from time to time make any order or orders without notice directing the sequestration of his property, both real and personal and whether tangible or intangible, within the state, and may appoint a receiver thereof, or by injunction or otherwise take the same into its possession and control. The property thus sequestrated and the income therefrom may be applied in whole or in part and from time to time, under the direction of the court and as justice may require, to the payment of such sum or sums as the court may deem it proper to award, by order or judgment as the case may be, and during the pendency of the action or at the termination thereof, for the education or maintenance of any of the children of a marriage, or for the support of the wife, or for her expenses in bringing and carrying on said action and the proceedings incidental thereto or connected therewith; and if the rents and profits of the real estate, together with the other property so sequestrated, be insufficient to pay the sums of money required, the court, upon such terms and conditions as it may prescribe, may direct the mortgage or sale of sufficient of said real estate to pay such sums. The court may appoint the wife receiver or sequestrator in such cases. The court may authorize the wife to use

and occupy, free of any liability for rent or use and occupation or otherwise, any house or other suitable property of her husband as a dwelling for herself or herself and her children, and may likewise turn over to her for the use of herself or herself and her children any chattel or chattels of her husband. The relief herein provided for is in addition to any and every other remedy to which the wife may be entitled under the law."

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In the Supreme Court of the United States

OCTOBER TERM, 1955

No. 532

MARGOT VON OPEL, as Receiver and Sequestrator of the Property of FRITZ VON OPEL, PETITIONER

v.

UEBERSEE FINANZ-KORPORATION, A. G., Liestal, Switzerland, FRITZ VON OPEL, HERBERT BROWNELL, JR., Attorney General and as Successor to the Alien Property Custodian, FRIMA TRUST ESTABLISHMENT OF VADUZ, Liechtenstein, HANS FRANKENBERG, EUGEN MEIER AND ADOLPH GAENG

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR RESPONDENT ATTORNEY GENERAL IN OPPOSITION

OPINIONS BELOW

The opinion of the District Court is reported in 116 F. Supp. 145. The opinion of the Court of

Appeals for the District of Columbia Circuit is reported in 225 F. 2d 530.

JURISDICTION

The judgment of the Court of Appeals was entered on June 23, 1955. The time for filing a petition for writ of certiorari was extended, by order of the Chief Justice to November 21, 1955. The petition for a writ of certiorari was filed on November 21, 1955. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

Petitioner was appointed receiver and sequestrator of the property of her husband, respondent Fritz von Opel, within the State of New York, in order to collect alimony awarded to her in an action which she instituted in New York for a decree of separation. The questions presented are:

1. Whether petitioner as receiver and sequestrator of her husband's property in New York may intervene as an independent party plaintiff in an action brought by her husband against the Attorney General in the United States District Court for the District of Columbia for the recovery of vested property under Section 9(a) of the Trading with the Enemy Act.

2. Whether petitioner as receiver and sequestrator of her husband's property in New York acquired any interest in the cause of action asserted by her husband against the Attorney General in the United States District Court for the

District of Columbia and whether she has any standing to sue in the District of Columbia.

STATUTE AND RULE INVOLVED

The provisions involved are Sections 7(c), 9(a), 9(f) and 33 of the Trading with the Enemy Act, 40 Stat. 411, as amended, 50 U.S.C. App. 1 *et seq.*, and Rule 24 of the Federal Rules of Civil Procedure. These are set forth in the appendix to the petition, except for Sections 7(c) and 33 which are printed in the Appendix, *infra*, pp. 13-15.

STATEMENT

This action was instituted on October 25, 1944, by Uebersee Finanz-Korporation, A.G. under Section 9(a) of the Trading with the Enemy Act, as amended, to recover certain property which had been vested by the Alien Property Custodian in 1942. A motion to dismiss the complaint for failure to state a claim was granted by the District Court on September 21, 1945. The Court of Appeals for the District of Columbia Circuit reversed, one judge dissenting, 158 F. 2d 313, and this Court affirmed, 332 U.S. 480, holding that since the complaint alleged that the plaintiff corporation was free from enemy taint it stated a cause of action.

Thereafter, the action proceeded to trial on the merits and a judgment in favor of the Attorney General was entered on May 6, 1949, together with findings of fact and conclusions of law. The opinion of the District Court is reported at 82 F. Supp. 602. That court held in substance that

plaintiff Uebersee Finanz-Korporation was owned and controlled by enemies within the meaning of the Trading with the Enemy Act, and was enemy tainted. The Court of Appeals affirmed, one judge dissenting, 191 F. 2d 327, 196 F. 2d 557, and this Court affirmed unanimously, 343 U.S. 205. Although the judgment against plaintiff Uebersee Finanz-Korporation was affirmed, the case was remanded to the District Court for further proceedings to consider the rights of Fritz von Opel, in view of this Court's decision in *Kaufman* v. *Societe Internationale,* 343 U.S. 156, decided the same day, in which it had held that an innocent stockholder in a neutral corporation might intervene in an action under Section 9(a) of the Trading with the Enemy Act to assert his rights to recover a proportionate part of the vested assets of such corporation.

Pursuant to the mandate of this Court, the District Court permitted Fritz von Opel to intervene as a party plaintiff to assert whatever rights he might have.[1] After trial of the issues raised by Fritz von Opel's complaint in intervention, the District Court denied recovery holding that he was

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[1] Petitioner notes (Pet. 5) that Frima Trust Establishment, Hans Frankenberg, Eugen Meier and Adolf Gaeng were permitted to intervene as parties defendant. But, as the District Court pointed out, these parties were asserted to be the legal owners of the stock of plaintiff Uebersee Finanz-Korporation and their intervention was permitted only to answer the complaint of Fritz von Opel, not to assert a claim against the Attorney General (Appendix below 68; 116 F. Supp. 147, 148).

an enemy by reason of doing business within enemy territory, that he was not an innocent stockholder within the meaning of the *Kaufman* decision, *supra,* and that he and his interest in the property were enemy tainted (133 F. Supp. 615).[2]

After the complaint in intervention had been filed, but before trial, petitioner moved to intervene as an additional party plaintiff. Her motion was based upon her appointment by the Supreme Court of the State of New York as receiver and sequestrator of the property of Fritz von Opel within the State of New York in an action instituted by petitioner against Fritz von Opel, a nonresident of New York, for a decree of separation. Such order of appointment was entered by the New York court on April 5, 1951. By opinion dated November 18, 1953 (App.[3] 64-68; 116 F. Supp. 145), appellant's motion was denied. In the opinion of the District Court, petitioner was claiming a lien upon the property involved in this action, a claim which was specifically prohibited by the provisions of Section 9(f) of the Trading with the Enemy Act. The court was also of the view that the consent to suit embodied in Section 9(a) of the Act did not contemplate a multiplicity of parties asserting the same cause of action and that the Custodian was entitled to be protected

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[2] Judgment was entered against Fritz von Opel on November 22, 1955. Accordingly, the time for appeal will not expire until January 21, 1955.

[3] "App." references are to the Joint Appendix in the court below, on file with this Court.

from the necessity of litigating creditors' claims or matrimonial claims in an action to recover vested property.

On appeal, the order denying petitioner's motion was unanimously affirmed (Pet. App. 8-10). The Court of Appeals held that petitioner was not entitled to intervene since she did not claim an "interest, right, or title" to the vested property within the terms of Section 9(a) of the Trading with the Enemy Act; and that if she attempted to assert such interest it would be in the nature of a lien, a claim barred by the provisions of Section 9(f) of the Act.

ARGUMENT

1. The petition (p. 5) urges as the first reason for granting the writ that the decision below "fails to resolve novel and unsettled issues stemming out of the decision of this Court" in *Kaufman* v. *Societe Internationale,* 343 U.S. 156. The question whether a wife who is entitled to alimony payments under a State decree should be permitted to intervene in a suit under Section 9(a) is certainly novel, but it hardly rises to the importance of a question calling for review by this Court. As to the application to this case of the rule laid down in *Kaufman,* petitioner's husband, Fritz von Opel, has been permitted to intervene as a party plaintiff and has been given full opportunity to assert his rights. Petitioner's claim, however, is simply that of a wife seeking to recover alimony from her husband; by no stretch of the imagination is she an innocent stockholder in a neutral corporation of which the assets have been vested. She is merely a creditor

of her husband and, like other creditors, must wait until he has obtained recovery in his action against the Attorney General and must then assert her rights to the funds recovered, if any.

2. A suit under Section 9(a) is a suit against the United States which must be brought within the terms of the Government's consent to suit. *Banco Mexicano* v. *Deutsche Bank,* 263 U.S. 591, 603; *Becker Co.* v. *Cummings,* 296 U.S. 74, 78; *Pflueger* v. *United States,* 121 F. 2d 732, 736 (C.A. D.C.), certiorari denied, 314 U.S. 617. Consent to suit under the Act is provided only by Sections 9(a) and 34 [4] and these remedies are exclusive. Section 7(c), Trading with the Enemy Act; *Becker Co.* v. *Cummings, supra; Ahrenfeldt* v. *Miller,* 262 U.S. 60; *Tiedemann* v. *Brownell,* 222 F. 2d 802 (C.A. D.C.). Under the express terms of 9(a), a plaintiff must be a person claiming a right, title or interest in or to the vested property. Petitioner here has no right, title or interest in the property involved and could not acquire any such interest as a matter of law. Indeed, the acquisition of an interest under the circumstances claimed is expressly prohibited by the terms of the Trading with the Enemy Act, Section 9(f).[5] This Section

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[4] Section 34 relates only to complaints for review of the Attorney General's determination of claims asserted by creditors of the enemy whose property has been vested and is thus not relevant here.

[5] This would seem to be the case whether the interest claimed is in the vested property as a whole or in the "severable interest" of a stockholder (see Pet. 5). In either event it is vested property and covered by Section 9(f).

is clear upon its face and has been consistently interpreted as preventing the acquisition of any interest in property after such property has been vested in the Alien Property Custodian. *Berger* v. *Ruoff*, 195 F. 2d 775(C.A. D.C.), certiorari denied, 343 U.S. 950; *La Mettrie* v. *James*, 6 F. 2d 479 (C.A. D.C.), affirmed *sub nom. De La Mettrie* v. *James*, 272 U.S. 731. It is of no moment that petitioner's claim is asserted by way of intervention rather than by original suit. In both of the cases cited, the courts expressly rejected an asserted right of intervention based upon the alleged acquisition of an interest in the property subsequent to vesting.

Since petitioner could not acquire an interest in the vested property, she may not intervene to file a complaint which can assert no such interest, and the courts below properly so held. To meet this difficulty, petitioner now asserts that she is not claiming any interest in the vested property which is the subject of the action, but that what she claims is an interest in the cause of action asserted by the intervener-plaintiff Fritz von Opel.

But if all that petitioner claims is an interest in a cause of action which has not been vested, then she is not a proper party plaintiff, by intervention or otherwise, to a suit under Section 9(a), for that Section only consents to suits against the United States by persons claiming an interest, right, or title in property the Custodian has vested or seized. *Uebersee Finanz-Korporation* v. *Markham*, 158 F. 2d 313, 314 (C.A. D.C.), affirmed *sub nom. Clark*

v. *Uebersee Finanz-Korp.*, 332 U.S. 480; *Sigg-Fehr* v. *White*, 285 Fed. 949 (C.A. D.C.); *von Bruning* v. *Sutherland*, 29 F. 2d 631 (C.A. D.C.); *United States ex rel. Goldschmidt* v. *Sutherland*, 51 F. 2d 607 (C.A. D.C.), certiorari denied, 284 U.S. 667; *Crone* v. *Sutherland*, 63 F. 2d 895 (C.A. D.C.); *Cummings* v. *Hardee*, 102 F. 2d 622, 627 (C.A. D.C.), certiorari denied, 307 U.S. 637; *Pflueger* v. *United States*, 121 F. 2d 732, 735 (C.A. D.C.), certiorari denied, 314 U.S. 617. In short, Section 9(a) authorizes suits by persons having claims against the United States, not suits by persons who have claims against persons having claims against the United States. Congress has not authorized the courts to constrain the Custodian to litigate petitioner's matrimonial problems, nor has it authorized the injunction asked by petitioner's proposed complaint in intervention (App. 18-19) against any disposition by him of the vested property. Cf. *Sigg-Fehr* v. *White*, *supra*.

3. Even if it were to be assumed, *arguendo*, that petitioner had a right, title, or interest within the terms of Section 9(a), she still cannot satisfy the conditions to suit stated in that Section. The statute requires that before instituting suit a claimant must file a notice of claim with the Custodian. This requirement is a condition precedent and goes to the jurisdiction of the court. *La Due & Co.* v. *Brownell*, 220 F. 2d 468 (C.A. 7), certiorari denied, 350 U.S. 823; *Panatech Corp.* v. *Carl Zeiss, Inc.*, 110 F. Supp. 664, 665 (S.D.N.Y.). And see, *Central Trust Co.* v. *Garvan*, 254 U.S. 554, 567-568.

Petitioner has not filed such a notice of claim and under the provisions of Section 33 of the Trading with the Enemy Act her time to do so expired on February 9, 1955.

Furthermore, actions to recover property vested in 1942, as here (App. 52, 54, 60), where no notice of claim has been filed within two years of the date of vesting, were barred after April 30, 1949, by the provisions of Section 33 of the Act. *Pass* v. *McGrath,* 192 F. 2d 415 (C.A. D.C.), certiorari denied, 342 U.S. 910. The instant motion to intervene was filed by petitioner on October 8, 1953.

4. Petitioner's claim of a right to intervene suffers from still further disabilities. The order appointing petitioner receiver and sequestrator of the property of her husband is necessarily limited to the property of her husband within the State of New York. Paragraph 2 D of that order (App. 13), it is true, purported to vest in petitioner, as receiver, any claim or cause of action which existed in favor of Fritz von Opel against the Alien Property Custodian which was "the subject of the law suit entitled *Uebersee Finanz-Korporation, A.G.* v. *J. Howard McGrath, Atty. Gen.*" then pending in the Court of Appeals for the District of Columbia Circuit. But, as of the date of the order of sequestration, neither Fritz von Opel nor the Custodian was subject to the *in personam* orders of the courts of that State, so it would seem that whatever "cause of action" von Opel had against the Custodian was not property "within" the State of

New York or subject to the orders of its courts. *Booth* v. *Clark,* 17 How. 322; *McCandless* v. *Furlaud,* 293 U.S. 67, 75.

It is also well settled that a receiver of property may not sue in the courts of another jurisdiction and that his appointment is of no effect in such courts. *Booth* v. *Clark, supra; Great Western Mining Co.* v. *Harris,* 198 U.S. 561; *Sterrett* v. *Second National Bank,* 248 U.S. 73; *McCandless v. Furlaud, supra; Collins* v. *McDonald,* 98 F. 2d 258 (C.A. D.C.). Under these authorities, a foreign receiver may sue in another jurisdiction only if he has also been appointed receiver by the courts of that jurisdiction. Failing such appointment, the foreign receiver is without standing. Cases permitting statutory receivers to bring suit in a foreign jurisdiction are limited to the situation in which title has been conferred upon the receiver by the law of the jurisdiction of appointment. We need not consider here whether the New York statutes purported to confer title upon petitioner as receiver, for it is clear that under Section 9(f) of the Trading with the Enemy Act she could not acquire title to property vested in the Attorney General. Petitioner, therefore, had no standing to sue in the courts of the District of Columbia in the absence of an appointment by the United States District Court for the District of Columbia.

CONCLUSION

The decision below is clearly correct and there is no conflict. The petition for a writ of certiorari should therefore be denied.

Respectfully submitted,

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DECEMBER, 1955.

APPENDIX

Trading with the Enemy Act, c. 106, 40 Stat. 411, as amended (50 U.S.C. App.):

Sec. 7(c). If the President shall so require any money or other property including (but not thereby limiting the generality of the above) patents, copyrights, applications therefor, and rights to apply for the same, trade marks, choses in action, and rights and claims of every character and description owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or the same may be seized by the Alien Property Custodian; and all property thus acquired shall be held, administered and disposed of as elsewhere provided in this Act.

Any requirement made pursuant to this Act, or a duly certified copy thereof, may be filed, registered, or recorded in any office for the filing, registering or recording of conveyances, transfers, or assignments of any such property or rights as may be covered by such requirement (including the proper office for filing, registering, or recording conveyances, transfers, or assignments of patents, copyrights, trade-marks, or any rights therein or any other rights); and if so filed, registered, or recorded shall impart the same notice and have

the same force and effect as a duly executed conveyance, transfer, or assignment to the Alien Property Custodian so filed, registered, or recorded.

Whenever any such property shall consist of shares of stock or other beneficial interest in any corporation, association, or company or trust, it shall be the duty of the corporation, association, or company or trustee or trustees issuing such shares or any certificates or other instruments representing the same or any other beneficial interest to cancel upon its, his, or their books all shares of stock or other beneficial interest standing upon its, his, or their books in the name of any person or persons, or held for, on account of, or on behalf of, or for the benefit of any person or persons who shall have been determined by the President, after investigation, to be an enemy or ally of enemy, and which shall have been required to be conveyed, transferred, assigned, or delivered to the Alien Property Custodian or seized by him, and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the Alien Property Custodian or otherwise, as the Alien Property Custodian shall require.

The sole relief and remedy of any person having any claim to any money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act, and in the event of sale or other disposition of such property by the Alien Property Custodian, shall be

limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States.

* * * * *

Sec. 33. No return may be made pursuant to section 9 or 32 unless notice of claim has been filed: (a) in the case of any property or interest acquired by the United States prior to December 18, 1941, by August 9, 1948; or (b) in the case of any property or interest acquired by the United States on or after December 18, 1941, not later than one year from February 9, 1954, or two years from the vesting of the property or interest in respect of which the claim is made, whichever is later; except that return may be made to successor organizations designated pursuant to section 32 (h) of this Appendix if notice of claim is filed before the expiration of one year from August 23, 1954. No suit pursuant to section 9 may be instituted after April 30, 1949, or after the expiration of two years from the date of the seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which relief is sought, whichever is later, but in computing such two years there shall be excluded any period during which there was pending a suit or claim for return pursuant to section 9 or 32 (a) hereof.

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